



Housing Policy and Practices Advisory Group

Housing Planning and Practices Advisory Subcommittees Issue Synopsis and Recommendations

Subcommittee: Fair Housing

Group Purpose: The Fair Housing/ Equity subcommittee's charge is developing proposals on how to incorporate fair housing and equity issues within the housing element including guidance on how and when to address displacement issues in housing elements.

Summary: The Fair Housing group held three calls (Feb 8, March 28 and April 4). From the first call, proposals were developed and partially discussed in the second and third calls. The calls generally did not get past the first two proposals and consensus was not reached on the entirety of the first two proposals. However, there was consensus on a portion of one of the proposals and some agreement in principle suggesting there might be potential for consensus with some modifications (see Meeting Notes Page 6 of Fair Housing Subcommittee notes).

Major Issues:

- The Department's treatment (housing element review and guidance) of fair housing and its obligation to affirmatively further fair housing is inadequate and must be enhanced.
- Local Governments do not have enough guidance on what needs to be included regarding fair housing in the housing element.
- Patterns of segregation and underserved and disadvantaged communities without infrastructure capacity should be reflected in RHNA methodology factors.
- The existing statute could clarify the analysis required for the potential for displacement and geographic distribution of socio-economic characteristics (e.g., income).
- Fair housing guidance should specifically address the analysis of farmworker housing needs and the development of farmworker programs in housing element updates and implementation.
- Need to address increase flexibility to count existing units toward the RHNA in order to better address displacement and gentrification issues.

Proposals with Consensus:

This proposal intends to clarify the needs and program sections of housing element law to address gentrification and displacement, provide guidance for local governments to identify residential capacity in a geographically equitable manner and enhance fair housing program requirements to explicitly address the obligation to affirmatively further fair housing. Although some conditional agreement was expressed, consensus on the entire proposal was not reached. However, consensus was reached on provisions to identify residential capacity to accommodate the regional housing need in an equitable manner, as follows:

65583.2(a) (Highlighted Sections Added)

A city's or county's inventory of land suitable for residential development pursuant to paragraph (3) of subdivision (a) of Section 65583 shall be used to identify sites that can be developed for housing within the planning period **equitably throughout the community** and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584. As used in this section, "land suitable for residential development" includes all of the following:

65583(c)(5)

Promote **and affirmatively further fair** housing opportunities for all persons **and housing throughout the community or communities** regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability **and other characteristics protected by the Fair Employment and Housing Act or Section 65008 and other state and federal fair housing and planning laws.**